IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1286 of 2006

Shri Nayan Shankar Patil, .. Petitioner
Vs
The Dy.Commissioner of Police,
Zone-VI and ors. .. Respondents

WITH
CRIMINAL WRIT PETITION NO.1287 of 2006

Shri Chittaranjan Padmakar Patil .. Petitioner
Vs
The Dy.Commissioner of Police,
Zone-VI and ors. .. Respondents

Mr U.N.Tripathi, for the petitioners.
Mr R.Y.Mirza, APP for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 14th July, 2006

P.C.:

1. Heard Mr Tripathi, learned counsel for the petitioners and Mr Mirza, learned APP for the respondents.

2. In these two writ petitions, the petitioners have impugned the order of externment dated 9.2.2006 issued by the Deputy Commissioner of Police, Zone VI, Chembur, Bombay under section 56 of the Bombay Police Act. The order passed by the Deputy Commissioner of Police has been confirmed by the appellate authority vide its order dated 26.5.2006. By the impugned orders, the petitioners have been externed and were ordered to remove themselves outside the limits of Mumbai, Mumbai Suburban and Thane district for a

period of six months. Mr Tripathi, learned counsel for the petitioners, submits that both the petitioners, after the orders passed by the Deputy Commissioner of Police on 9.2.2006, removed themselves from the aforestated areas on the same day and since then they have not entered the jurisdiction of the said areas. This statement of Mr Tripathi has not been disputed by Mr Mirza, APP. It is clear that the petitioners have so far suffered the orders of externment for a period of five months out of six months and in view thereof Mr Tripathi, learned counsel for the petitioners, on instructions, submits that he has instructions not to press these petitions on merits and the petitioners would be satisfied if the externment period is reduced to the period the petitioners have suffered so far. Mr Mirza, learned APP, did not seriously oppose the prayer made by Mr Tripathi. Keeping that in view I refrain from entering into the merits of the case. Looking to the overall facts and circumstances of the case and considering the impugned order and the criminal record of the petitioners, I am satisfied that the ends of justice would be met if the period of externment is reduced from six months, which expire on 9.8.2006, to the period the petitioners have suffered the order, i.e. upto 15.7.2006. Order accordingly. Both the writ petitions stand dismissed in the aforesaid terms.

(D.B.BHOSALE,J.)